

By: Duncan, et al.

S.B. No. 1142

A BILL TO BE ENTITLED

AN ACT

relating to an adult high school diploma and industry certification  
charter school pilot program for adults 19 to 50 years of age.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 29.251, Education Code,  
is amended to read as follows:

(1) "Adult education" means services and instruction  
provided below the college level for adults by public local  
education agencies, public nonprofit agencies, nonprofit entities  
providing services and instruction as described by Section 29.259,  
or community-based organizations.

SECTION 2. Section 29.252, Education Code, is amended to  
read as follows:

Sec. 29.252. STATE ROLE IN ADULT AND COMMUNITY EDUCATION.

(a) The agency shall:

(1) provide adequate staffing to develop, administer,  
and support a comprehensive statewide adult education program and  
coordinate related federal and state programs for education and  
training of adults;

(2) develop, implement, and regulate a comprehensive  
statewide program for community level education services to meet  
the special needs of adults;

(3) develop the mechanism and guidelines for  
coordination of comprehensive adult education and related skill

1 training services for adults with other agencies, both public and  
2 private, in planning, developing, and implementing related  
3 programs, including community education programs;

4 (4) administer all state and federal funds for adult  
5 education and related skill training in this state, except in  
6 programs for which another entity is specifically authorized to do  
7 so under other law;

8 (5) prescribe and administer standards and  
9 accrediting policies for adult education;

10 (6) prescribe and administer rules for teacher  
11 certification for adult education;

12 (7) accept and administer grants, gifts, services, and  
13 funds from available sources for use in adult education;

14 (8) adopt or develop and administer:

15 (A) a standardized assessment mechanism for  
16 assessing all adult education program participants who need  
17 literacy instruction, adult basic education, or secondary  
18 education leading to an adult high school diploma or the  
19 equivalent; and

20 (B) a standardized secondary exit-level  
21 assessment instrument appropriate for assessing adult education  
22 program participants who successfully complete high school  
23 curriculum requirements under a program provided under Section  
24 29.259;

25 (9) collaborate with the Texas Workforce Commission to  
26 improve the coordination and implementation of adult education and  
27 literacy services in this state; and

1           (10) monitor and evaluate educational and employment  
2 outcomes of students who participate in the agency's adult  
3 education and literacy programs.

4           (b) The assessment mechanism prescribed under Subsection  
5 (a)(8)(A) [~~(a)(8)~~] must include an initial basic skills screening  
6 instrument and must provide comprehensive information concerning  
7 baseline student skills before and student progress after  
8 participation in an adult education program.

9           SECTION 3. Section 29.253, Education Code, is amended to  
10 read as follows:

11           Sec. 29.253. PROVISION OF ADULT EDUCATION PROGRAMS. Adult  
12 education programs shall be provided by public school districts,  
13 public junior colleges, public universities, public nonprofit  
14 agencies, and community-based organizations approved in accordance  
15 with state statutes and rules adopted by the State Board of  
16 Education. A nonprofit entity described by Section 29.259 may also  
17 provide an adult education program as provided by that section. The  
18 programs must be designed to meet the education and training needs  
19 of adults to the extent possible within available public and  
20 private resources. Bilingual education may be the method of  
21 instruction for students who do not function satisfactorily in  
22 English whenever it is appropriate for their optimum development.

23           SECTION 4. Section 29.2531, Education Code, is amended to  
24 read as follows:

25           Sec. 29.2531. ADULT EDUCATION ASSESSMENT. (a) The agency  
26 [~~Texas Education Agency~~] shall, in consultation with the Texas  
27 Higher Education Coordinating Board, review the standardized

assessment mechanism required under Section 29.252(a)(8)(A)  
~~[29.252(a)(8)]~~ and recommend any changes necessary to align the  
 assessment with the assessments designated under Section 51.3062 to  
 allow for the proper placement of a student in an adult basic  
 education course or to provide the student with the proper  
 developmental or English as a second language coursework, as  
 appropriate.

(b) The commissioner shall determine the level of  
 performance considered to be satisfactory on a secondary exit-level  
 assessment instrument described by Section 29.252(a)(8)(B) for  
 receipt of a high school diploma by an adult education program  
 participant in a program provided under Section 29.259.

SECTION 5. Subchapter H, Chapter 29, Education Code, is  
 amended by adding Section 29.259 to read as follows:

Sec. 29.259. ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY  
 CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. (a) The commissioner  
 shall establish an adult high school diploma and industry  
 certification charter school pilot program as provided by this  
 section as a strategy for meeting industry needs for a sufficiently  
 trained workforce within the state.

(b) Notwithstanding any other law and in addition to the  
 number of charters allowed under Subchapter D, Chapter 12, the  
 State Board of Education may grant, on the basis of an application  
 submitted to the board, a charter under the pilot program to a  
 single nonprofit entity described by Subsection (c) to provide an  
 adult education program for not more than 150 individuals described  
 by Subsection (e) to successfully complete:

1           (1) a high school program that can lead to a diploma;  
2 and

3           (2) career and technology education courses that can  
4 lead to industry certification.

5           (c) A nonprofit entity may be granted a charter under this  
6 section only if the entity:

7           (1) has a successful history of providing education  
8 services, including industry certifications and job placement  
9 services, to adults 18 years of age and older whose educational and  
10 training opportunities have been limited by educational  
11 disadvantages, disabilities, homelessness, criminal history, or  
12 similar circumstances; and

13           (2) agrees to commit at least \$1 million to the adult  
14 education program offered.

15           (d) A nonprofit entity granted a charter under this section  
16 may partner with a public junior college to provide career and  
17 technology courses that lead to industry certification.

18           (e) A person who is at least 19 years of age and not more  
19 than 50 years of age is eligible to enroll in the adult education  
20 program under this section if the person has not earned a high  
21 school equivalency certificate and:

22           (1) has failed to complete the curriculum requirements  
23 for high school graduation; or

24           (2) has failed to perform satisfactorily on an  
25 assessment instrument required for high school graduation.

26           (f) The nonprofit entity must include in its charter  
27 application the information required by Subsection (g).

1       (g) A charter granted under this section must:

2               (1) include a description of the adult education  
3 program to be offered under this section; and

4               (2) establish specific, objective standards for  
5 receiving a high school diploma, including satisfactory  
6 performance on the standardized secondary exit-level assessment  
7 instrument described by Section 29.252(a)(8)(B) as provided under  
8 Section 29.2531.

9       (h) Funding for an adult education program under this  
10 section is provided based on the following:

11               (1) for participants who are 26 years of age and older,  
12 an amount per participant from available general revenue funds  
13 appropriated for the pilot program equal to the statewide average  
14 amount of state funding per student in weighted average daily  
15 attendance that would be allocated under the Foundation School  
16 Program to an open-enrollment charter school under Section 12.106  
17 were the student under 26 years of age; and

18               (2) for participants who are at least 19 years of age  
19 and under 26 years of age, an amount per participant through the  
20 Foundation School Program equal to the amount of state funding per  
21 student in weighted average daily attendance that would be  
22 allocated under the Foundation School Program for the student's  
23 attendance at an open-enrollment charter school in accordance with  
24 Section 12.106.

25       (i) Sections 12.107 and 12.128 apply as though funds under  
26 this section were funds under Subchapter D, Chapter 12.

27       (j) Not later than December 1 of each even-numbered year,

1 beginning December 1, 2016, the agency shall prepare and deliver to  
2 the governor, lieutenant governor, speaker of the house of  
3 representatives, and presiding officer of each standing  
4 legislative committee with primary jurisdiction over public  
5 education or economic development a report that:

6 (1) evaluates any adult education program operated  
7 under a charter granted under this section; and

8 (2) makes recommendations regarding the abolition,  
9 continuation, or expansion of the pilot program.

10 (k) The commissioner shall adopt rules necessary to  
11 administer the pilot program under this section. In adopting  
12 rules, the commissioner may modify charter school requirements only  
13 to the extent necessary for the administration of a charter school  
14 under this section that provides for adult education.

15 SECTION 6. Subsection (a), Section 42.003, Education Code,  
16 is amended to read as follows:

17 (a) A student is entitled to the benefits of the Foundation  
18 School Program if, on September 1 of the school year, the student:

19 (1) is 5 years of age or older and under 21 years of age  
20 and has not graduated from high school, or is at least 21 years of  
21 age and under 26 years of age and has been admitted by a school  
22 district to complete the requirements for a high school diploma; or

23 (2) is at least 19 years of age and under 26 years of  
24 age and is enrolled in an adult high school diploma and industry  
25 certification charter school pilot program under Section 29.259.

26 SECTION 7. This Act takes effect September 1, 2013.